

**BOIES SCHILLER FLEXNER LLP**

David Boies (*pro hac vice*)  
333 Main Street  
Armonk, New York 10504  
(914) 749-8200  
dboies@bsfllp.com

**LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP**

Rachel Geman (*pro hac vice*)  
250 Hudson Street, 8th Floor  
New York, New York 10013-1413  
(212) 355-9500  
rgeman@lchb.com

**JOSEPH SAVERI LAW FIRM, LLP**

Joseph R. Saveri (SBN 130064)  
601 California Street, Suite 1505  
San Francisco, California 94108  
(415) 500-6800  
jsaveri@saverilawfirm.com

**CAFFERTY CLOBES MERIWETHER &  
SPRENGEL LLP**

Bryan L. Clobes (*pro hac vice*)  
135 S. LaSalle Street, Suite 3210  
Chicago, Illinois 60603  
(312) 782-4880  
bclobes@caffertyclobes.com

*Counsel for Individual and Representative Plaintiffs  
and the Proposed Class. (additional counsel included below)*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

RICHARD KADREY, et al.,

*Individual and Representative Plaintiffs,*

v.

META PLATFORMS, INC.,

*Defendant.*

**DICELLO LEVITT LLP**

Amy Keller (*pro hac vice*)  
10 North Dearborn Street, Sixth Floor  
Chicago, Illinois 60602  
(312) 214-7900  
akeller@dicellolevitt.com

Matthew Butterick (SBN 250953)  
1920 Hillhurst Avenue, #406  
Los Angeles, California 90027  
(323) 968-2632  
mb@buttericklaw.com

**COWAN DEBAETS ABRAMS &  
SHEPPARD LLP**

Scott J. Sholder (*pro hac vice*)  
41 Madison Avenue, 38th Floor  
New York, New York 10010  
(212) 974-7474  
ssholder@cdas.com

Case No. 3:23-cv-03417-VC

**JOINT STATUS REPORT PER ECF NO.  
231**

Pursuant to the Court's Order, ECF No. 231, the parties respectfully submit this status report.

On October 17, 2024, Plaintiffs informed Meta that they intended to notice depositions of 20 current and former Meta employees and requested their availability as follows: Angela Fan, Mike Clark, Joelle Pineau, Chaya Nayak, and Sergey Edunov, between October 24 and November 8; Guillaume Lample, Edouard Grave, Nikolay Bashlykov, Alex Boesenberg, Yann LeCunn, Amanda Kallet, Aurelien Rodriguez, and Hugo Touvron, between November 11–27; and Logan Kerr, Chris Cox, Eugene Nho, Steven Roller, Sean Bell, Amrish Acharya, and Arun Rao, between December 2–13.

**Plaintiffs' Position:** Meta's counsel initially stated it does not represent four former Meta employees: Guillaume Lample, Edouard Grave, Aurelien Rodriguez, and Steven Roller. Meta's counsel later said it was authorized to accept service of a subpoena for Mr. Roller. Plaintiffs understand the other three witnesses reside in France and asked counsel to clarify their statement that they does not represent Mr. Rodriguez since he is identified by Meta in its Fed. R. Civ. P. 26 disclosures, which until yesterday stated Plaintiffs must contact him through Meta's outside counsel. Because Mr. Rodriguez continues to be listed on Meta's Rule 26 disclosures as someone Meta may use to support its claims or defenses, Plaintiffs believe Meta must make him available for deposition and have asked Meta to provide his availability. Plaintiffs also asked Meta to provide the last known contact information for these former witnesses so Plaintiffs can attempt to obtain documents and deposition testimony from them through the appropriate procedures and are awaiting Meta's response. Further, Meta asked Plaintiffs to identify additional witnesses in place of these individuals and Plaintiffs identified Susan Zhang, Thomas Scialom, and Sy Choudhury, while reserving their right to seek documents and depositions from the three former Meta employees in France.

**Meta's Position:** Meta informed Plaintiffs in early September, regarding depositions of a large number of individuals including the three former employees based in France listed above, that it did not represent any of these former employees. Accordingly, Plaintiffs have been aware

for well over a month that Meta does not represent Mr. Rodriguez or the other two witnesses. Meta does not intend to rely on Mr. Rodriguez for testimony in this case, but continues to list him on their Rule 26 disclosures because he was a document custodian.

To date, Meta has provided dates for 10 witnesses and Plaintiffs agreed to nine of those dates. Meta has reached out to all current employee witnesses and will continue to provide availability as it hears back from the witnesses (some of whom are currently out of the office).

<u><b>Deponent</b></u>	<u><b>Relevant Date</b></u>
<i>Depositions Already Taken by Plaintiffs</i>	
1. Melanie Kambadur	Completed
2. Ahmad Al-Dahle	Completed
3. Eleonora Presani	Completed
4. Todor Mihaylov	Completed
<i>Depositions to Be Taken by Plaintiffs – Dates Provided and/or Scheduled</i>	
5. Chaya Nayak	Oct. 31 in SF.
6. Joelle Pineau	Nov. 6 in Montreal
7. Sergey Edunov	Nov. 6 in the Bay Area
8. Mike Clark	Nov. 14 in Denver
9. Yann LeCun	Nov. 21 in New York.
10. Logan Kerr	Nov. 26 in the Bay Area
11. Steven Roller	Meta confirmed it will accept service of a subpoena to Mr. Roller. Plaintiffs requested his availability between Nov. 25 and Dec. 11.
12. Thomas Scialom	Meta offered Dec. 5 in London. Before confirming, Plaintiffs have requested dates for the other UK/EU witnesses so they can be taken together. Meta is unable to confirm that it can organize all European witnesses in the same week.
13. Eugene Nho	Dec. 6 in the Bay Area
14. Arun Rao	Dec. 13 in the Bay Area
15. Mark Zuckerberg	Dec. 17 (by agreement, if approved by court) in Hawaii
<i>Depositions to Be Taken by Plaintiffs – No Dates Provided</i>	
16. Angela Fan	Ms. Fan is on leave until October 31, 2024. Meta is coordinating on witness availability and will provide dates to counsel shortly.
17. Nikolay Bashlykov	Meta is coordinating on witness availability and will provide dates to counsel shortly.
18. Alex Boesenberg	Meta is coordinating on witness availability and will provide

	dates to counsel shortly.
19. Amanda Kallet	Meta is coordinating on witness availability and will provide dates to counsel shortly.
20. Hugo Touvron	Meta is coordinating on witness availability and will provide dates to counsel shortly.
21. Susan Zhang	Ms. Zhang is a former employee of Meta. Meta will promptly determine whether it is representing Ms. Zhang and will inform counsel shortly.
22. Sy Choudhury	Meta is coordinating on witness availability and will provide dates to counsel shortly.
23. Chris Cox	Meta asked on October 21 to meet and confer regarding this witness. Meta intends to seek a protective order relating to Mr. Cox's deposition. Notably, he was not listed among the 35+ witnesses in Plaintiffs' recent motion seeking additional depositions. Mr. Cox is a C-level executive and Meta seeks to understand the basis of Plaintiffs' sudden desire to take his deposition, which Meta views as duplicative and not proportional in view of the scheduled depositions of numerous other Meta witnesses with direct involvement with its generative AI LLMs. Plaintiff has conditioned a meet and confer relating to Mr. Cox on Meta's meet and confer relating to Plaintiff's amended 30(b)(6) notice. <i>See</i> #27 below.
24. Sean Bell	Meta is coordinating on witness availability and will provide dates to counsel shortly.
25. Amrish Acharya	Meta is coordinating on witness availability and will provide dates to counsel shortly.
26. Meta 30(b)(6) Witnesses	<p>Plaintiffs have asked Meta to identify its 30(b)(6) witnesses and to provide their deposition availability; Meta is considering the the amended 30(b)(6) topics and will endeavor to inform Plaintiffs promptly which witnesses may appropriately address which topics.</p> <p>Plaintiffs previously asked Meta whether it will object in full or in part to any of Plaintiffs' amended 30(b)(6) topics. Meta stated on October 21 that it is willing to meet and confer this week about the topics, and Plaintiffs requested dates and times for a meet and confer.</p>

### **Plaintiffs' witnesses**

On October 15, Meta asked for dates of availability for the depositions of. Mr. Klam and Ms. Snyder. As of this filing, Plaintiffs have not provided dates for these witnesses but said they will do so as soon as possible. With the consolidation of Mr. Farnsworth's case into *Kadrey*, Meta has asked for his availability for deposition. The depositions of the remaining Plaintiffs – Messrs.

Díaz and Coates – are scheduled for November 20 and 21 in Boston and New York, respectively.

<u><b>Deponent</b></u>	<u><b>Relevant Date</b></u>
<i>Depositions Already Taken by Meta</i>	
1. David Henry Hwang	Completed on Sep. 16, 2024
2. Christopher Golden	Completed on Sep. 17, 2024
3. Laura Lippman	Completed on Sep. 17, 2024
4. Lysa TerKeurst	Completed on Sep. 23, 2024
5. Andrew Greer	Completed on Sep. 24, 2024
6. Richard Kadrey	Completed on Sep. 25, 2024
7. Jacqueline Woodson	Completed on Sep. 30, 2024
8. Sarah Silverman	Completed on Oct. 10, 2024
<i>Depositions to Be Taken by Meta – Dates Provided and/or Scheduled</i>	
9. Junot Díaz	Noticed for Nov. 20, 2024
10. Ta-Nehisi Coates	Noticed for Nov. 21, 2024
<i>Depositions to Be Taken by Meta – No Dates Provided</i>	
11. Matthew Klam	Meta requested dates on Oct. 15, 2024; Plaintiffs have not provided dates yet but said they will do so as soon as possible.
12. Rachel Louise Snyder	Meta requested dates on Oct. 15, 2024; Plaintiffs have not provided dates yet but said they will do so as soon as possible.
13. Christopher Farnsworth	Meta requested dates on Oct. 22, 2024; Plaintiffs have not provided dates yet but said they will do so as soon as possible.

Dated: October 22, 2024

By: /s/ Phillip Morton

Bobby A. Ghajar  
Colette A. Ghazarian  
**COOLEY LLP**  
1333 2<sup>nd</sup> Street, Suite 400  
Santa Monica, CA 90401  
Telephone: (310) 883-6400  
Facsimile: (310) 883-6500  
Email: bghajar@cooley.com  
cghazarian@cooley.com

Mark R. Weinstein  
Elizabeth L. Stameshkin  
**COOLEY LLP**  
3175 Hanover Street  
Palo Alto, CA 94304  
Telephone: (650) 843-5000  
Facsimile: (650) 849-7400  
Email: mweinstein@cooley.com  
lstameshkin@cooley.com

Kathleen R. Hartnett  
Judd D. Lauter  
**COOLEY LLP**  
3 Embarcadero Center, 20<sup>th</sup> Floor  
San Francisco, CA 94111  
Telephone: (415) 693-2071  
Facsimile: (415) 693-2222  
Email: khartnett@cooley.com  
jlauter@cooley.com

Phillip Morton  
**COOLEY LLP**  
1299 Pennsylvania Avenue, NW, Suite 700  
Washington, DC 20004  
Telephone: (202) 842-7800  
Facsimile: (202) 842-7899  
Email: pmorton@cooley.com

Angela L. Dunning  
**CLEARY GOTTlieb STEEN &  
HAMILTON LLP**  
1841 Page Mill Road, Suite 250  
Palo Alto, CA 94304

By: /s/ Maxwell V. Pritt  
Maxwell V. Pritt

**BOIES SCHILLER FLEXNER LLP**  
David Boies (*pro hac vice*)  
333 Main Street  
Armonk, NY 10504  
(914) 749-8200  
dboies@bsfllp.com

Maxwell V. Pritt (SBN 253155)  
Joshua I. Schiller (SBN 330653)  
Joshua M. Stein (SBN 298856)  
44 Montgomery Street, 41st Floor  
San Francisco, CA 94104  
(415) 293-6800  
mpritt@bsfllp.com  
jischiller@bsfllp.com  
jstein@bsfllp.com

Jesse Panuccio (*pro hac vice*)  
1401 New York Ave, NW  
Washington, DC 20005  
(202) 237-2727  
jpanuccio@bsfllp.com

David L. Simons (*pro hac vice*)  
55 Hudson Yards, 20th Floor  
New York, NY 10001  
(914) 749-8200  
dsimons@bsfllp.com

*Attorneys for Plaintiffs*

Telephone: (650) 815-4121  
Facsimile: (650) 849-7400  
Email: adunning@cgsh.com

*Attorneys for Defendant META  
PLATFORMS, INC.*

**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

I, Maxwell V. Pritt, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 22nd day of October, 2024, at San Francisco, California.

By: /s/ Maxwell V. Pritt  
Maxwell V. Pritt